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Notice of Allowability

Application No.

10/762,006

Examiner

Carlos Lugo

Applicant(s)

MILO, THOMAS K.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on June 9, 2005.
2. ☒ The allowed claim(s) is/are 1,3,4,7-13,16,18-22 and 26-33.
3. ☒ The drawings filed on 21 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on June 9, 2005.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Jonathan Withrow on August 18, 2005.
4. The application has been amended as follows:
 - Claim 3 Line 1, the phrase "claim 2" has been changed to -claim 1-.
 - Claim 4 Line 1, the phrase "claim 2" has been changed to -claim 1-.
 - Claim 16 has been changed to -An adjustable door strike assembly comprising: a door strike housing including a strike plate having an opening and at least two walls depending from the strike plate along the periphery of the opening; and a first insert plate adapted to mount to one of the at least two walls; and a second insert plate adapted to be attach to said first insert plate, wherein each of said walls is adapted to allow said first insert plate to mount to said wall in at least two predetermined locations along each of said walls; wherein at least one of said insert plates includes a first surface and a second surface spaced from and substantially parallel with the first surface, said at least one insert plate further

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including a plurality of tabs extending from and substantially normal to the second surface.-

- Claim 18 Line 2, the phrase "said insert plate includes an end tab extending from an end of said insert plate" has been changed to -said first insert plate includes an end tab extending from an end of said first insert plate-.
- Claim 19 Lines 2 and 3, the phrase "said insert plate includes a strike end that faces the strike plate when said insert plate is inserted into the cavity" has been changed to -said first insert plate includes a strike end that faces the strike plate when said first insert plate is inserted into the cavity-.
- Claim 20 Line 2, the phrase "wherein said insert plate" has been changed to -wherein said first insert plate-.
- Claim 21 Lines 1-3, the phrase "further comprising an additional insert plate having substantially the same dimensions as said insert plate" has been changed to -wherein said second insert plate has substantially the same dimensions as said first insert plate-.
- Claim 22 Lines 1 and 2, the phrase "wherein said insert plate is adapted to mount at least substantially perpendicular to said additional insert plate" has been changed to -wherein said first insert plate is adapted to be mount at least substantially perpendicular to said second insert plate-.
- Claim 31 Lines 8 and 9, the phrase "the first plate and the second plate" has been changed to -the first wall and the second wall-.

Allowable Subject Matter

5. **Claims 1,3,4,7-13,16,18-22, and 26-33 are allowed.**

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 1,13,16,29, and 31 are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the strike plate housing comprises a plurality of groove (depressions) along one of the walls on a second side opposite to the first side so that the second plurality of grooves align with the first plurality of grooves (claims 1,29 and 31); that a second insert plate is received in the housing cavity and is selectively mounted to at least one of the walls and selectively received by a first insert plate (Claim 13); and that the insert plate has a plurality of tabs extending from and normal to a surface of the plate (Claim 16).

As to claims 1,29 and 31, Goetz (US 2,013,145) discloses a strike plate housing (A) comprising a strike plate (B) and walls (10-13) depending from the strike plate defining a housing cavity. The strike plate housing is adapted to selectively receive at least one associated insert plate (C) in the housing cavity such that the at least one insert plate is at least substantially fixed in the housing.

However, Goetz fails to disclose that the strike plate housing comprises a plurality of groove (depressions) along one of the walls on a second side opposite to the first side so that the second plurality of grooves align with the first plurality of grooves. Goetz discloses that the strike plate housing comprises a plurality of

grooves or depressions along one of the walls on a first side (at where 30 and 31 are placed). However, Goetz shows that the opposite side does not have a plurality of grooves that are align with the first plurality of grooves at the opposite side so that the inserting plate could be placed and secured between the two opposite sides of the strike plate housing.

As to claim 13, Goetz fails to disclose that a second insert plate is received in the housing cavity and is selectively mounted to at least one of the walls and selectively received by a first insert plate. Goetz discloses that the second insert (35 and 36) is attached to the first insert plate, not that is received into the first insert plate.

As to claim 16, Goetz fails to disclose that the insert plate has a plurality of tabs extending from and normal to a surface of the plate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number

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for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C-L

Carlos Lugo
AU 3676

August 18, 2005.

A handwritten signature in dark ink, appearing to read "Brian Glessner", followed by a long horizontal line extending to the right.

BRIAN E. GLESSNER
PRIMARY EXAMINER